

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
Charlestown Mall Site - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region II

**Subject:** POLREP #22  
RV-1 Progress  
Charlestown Mall Site  
A239  
Frankfort, NY  
Latitude: 43.0891260 Longitude: -75.1833230

**To:** Judith Enck, US EPA, Region 2  
Lisa Plevin, US EPA Region 2  
Joe Rotola, US EPA, Region 2, ERRD-RAB  
Dan Harkay, US EPA, Region 2, ERRD-RAB-RAS  
Henry Guzman, US EPA, Region 2, ERRD-ORC  
Irmee Lopez, US EPA, Region 2, ERRD-RAB  
Tim Grier, US EPA, Headquarters, 5202G  
Louis Carrock, NYS DOL  
Michael Fiore, US EPA Region 2, OIG  
Cecilia Echols, U.S. EPA, Region 2, PAD-ICAB-CAT  
Joseph Kinney, Town of Frankfort  
Robert Senior, NYSDEC Region 6  
Nels Magnuson, NYSDEC Region 6  
Michael Dangler, NYSDEC BECI

**From:** Terry Kish, On Scene Coordinator

**Date:** 9/8/2011

**Reporting Period:** 5/28/2011 - 9/4/2011

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	A239	<b>Contract Number:</b>	EP-S2-10-01
<b>D.O. Number:</b>	10	<b>Action Memo Date:</b>	7/16/2010
<b>Response Authority:</b>	CERCLA	<b>Response Type:</b>	Time-Critical
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	8/16/2010	<b>Start Date:</b>	8/16/2010
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>	NYC200400513	<b>RCRIS ID:</b>	

**ERNS No.:**

**FPN#:**

**State Notification:**

**Reimbursable Account #:**

### **1.1.1 Incident Category**

Inactive Production Facility

### **1.1.2 Site Description**

#### **1.1.2.1 Location**

The Charlestown Mall Site is located at 2205 Bleecker Street in the Town of Frankfort, Herkimer County, NY (43.089126 latitude, -75.183323 longitude). The Site is a former manufacturing facility that was used by various owners and industries from as early as 1894 until the mid 1970s when manufacturing ended at the Site. The Site is approximately 14.5 acres in size, of which, approximately 1.7 acres is located in the City of Utica, Oneida County, while the remainder is located in the Town of Frankfort, Herkimer County, New York. The Site is located at the eastern edge of the City of Utica in a largely commercial area. Commercial properties border the Site to the east, north, west and southeast. The Site is bordered to the southwest by the Masonic Care Community of New York, a large assisted living facility that has the capacity to serve approximately 300 residences. Approximately 400 residences are located within one mile of the Site and approximately 950 people live within one mile of the Site.

Savage Arms manufactured small arms and munitions at the Site until after WWII. Manufacturing at the Site slowed until the property was eventually sold in 1956 to Sperry Univac where early computer parts were developed and assembled. Sperry Univac operated at the site until operations ceased in 1976 and the property was sold. A portion of the facility was redeveloped as a retail shopping outlet known as the Charlestown Outlet Complex. At its peak, the shopping outlet housed 52 stores, two restaurants an off-track betting parlor and a food court. The Charlestown Mall operated at the west end of the site until 1991 when the complex became the Charlestown Business Complex which housed commercial tenants of various types.

The property was purchased by Charlestown Mall of Utica, LLC in 2007 and currently commercial use of the property is very limited.

#### **1.1.2.2 Description of Threat**

In recent years, several buildings at the Site have fallen into advanced states of deterioration. In early 2008, the New York State (NYS) Department of Labor (DOL) and NYS Department of Environmental Conservation (DEC) directed a demolition company to cease unpermitted demolition activities at the Site as no steps were taken to abate asbestos containing materials from the buildings and no variance was obtained prior to demolition. NYS DOL documented the presence of Asbestos Containing Materials (ACM) in the resulting debris piles. In October 2008, NYSDEC referred the Site to EPA for a removal site evaluation. As a result of efforts by the owner to obtain funding to come into compliance at the site, NYSDEC continued negotiations through October of 2009, when NYSDEC asked EPA to resume evaluation of the Site.

Evaluation of the Site in 2008 and 2009 has identified the presence of friable asbestos, corrosive and ignitable liquids, chlorinated solvents stored in drums and the presence of transformers filled with PCB-containing dielectric fluid which present direct contact threats to the public.

### **1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results**

On November 4, 2008, EPA Removal Action Branch (RAB), Criminal Investigation Division (CID) along with Removal Support Team (RST) contractors accompanied the NYSDEC Bureau of Environmental Crimes Investigations (BECI) in the execution of a search warrant to collect samples at the Site. Samples confirmed the presence of ACM both in demolition debris and within remaining deteriorated structures. During the investigation, electrical transformers were identified, some of which had been subject to salvaging. Samples confirmed that dielectric fluid released as a result of salvaging, contained PCBs in high concentrations. A sample of oily solids collected from the floor of the transformer area revealed a concentration of 44,000 mg/kg PCBs. This investigation focused solely on the dilapidated/demolished structures on the eastern half of the Site. At that time, approximately nine commercial tenants were

estimated to occupy the largely empty Site. Following this assessment, NYSDEC entered into enforcement negotiations with the owner of the property. Further evaluation of the Site by EPA was suspended, pending the outcome of those negotiations.

In October 2009, NYSDEC requested that EPA resume evaluation of the Site. EPA performed an additional removal assessment of the Site in November 2009. This assessment was expanded to include the onsite boiler house (building 6) because evidence of salvaging was observed which had released dielectric fluid onto the ground outside the building. Evaluation of the building identified drums containing corrosive, ignitable, and toxic liquids present with the building. On November 19, 2009, EPA directed the owner of the property, Charlestown Mall, LLC, to secure the boiler house (Building 6) due to the ongoing unauthorized salvaging operations, and to dispose of the abandoned hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that Building 6 had been secured, however the owner did not dispose of the drums within the building.

Further evaluation of the large volume of demolition debris was also conducted during the November 2009 assessment. A thorough search of surface of the pulverized debris consistently confirmed small fragments of friable ACM to be present throughout the areas searched. Asbestos content of the fragments ranged from <1% to 80% asbestos (chrysotile and/or amosite).

## **2. Current Activities**

### **2.1 Operations Section**

#### **2.1.1 Current Activities**

An Action Memorandum requesting a project ceiling increase and request for exemption from 12 month and \$2 million statutory limits was submitted for approval on May 24, 2011. The Action Memorandum was approved by the Regional Administrator on August 8, 2011.

ERRS contractor, Kemron, mobilized a one equipment operator, two clean-up technicians and a field cost accountant to the Site on August 29 to prepare the Site for load-out. From August 30 to September 1, Kemron took delivery of heavy equipment and supplies for use in the load-out operations. During this period, Kemron also boarded up the remaining openings in Building 6 and 16, repaired site roads and rearranged the contents of onsite storage containers to stage poly liners for the roll-off waste containers.

Kemron conducted no intrusive activities during this period. Asbestos contaminated debris was not disturbed; therefore air monitoring was not performed during this period. Full remobilization of the Site is scheduled for September 6, 2011.

#### **2.1.2 Response Actions to Date**

On November 19, 2009, EPA directed the owner of the Site, Charlestown Mall of Utica, LLC to secure Building 6 and to dispose of the drums containing hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that the building had been secured; however, the owner did not dispose of the materials inside of the building. The abandoned materials will be disposed of by EPA. On August 16, 2010, EPA mobilized ERRS contractors to the Site to initiate removal activities as reported in Section 2.2.1.1.

#### **2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)**

In November 2008, NYSDEC BECI along with EPA Removal Action Branch and Criminal Investigation Division executed a search warrant at the Site in response to the unpermitted demolition and potential asbestos release which had been documented at the Site. In 2009, NYSDEC directed Charlestown Mall of Utica, LLC to perform a cleanup of the asbestos contaminated debris and PCBs at the Site. Several PRPs have been identified by EPA's Office of Regional Counsel (ORC) and efforts are ongoing to establish

additional potentially liable parties. A complete summary of the enforcement status can be obtained through EPA ORC.

## 2.1.4 Progress Metrics

### Waste Disposal

<i><b>Waste Stream</b></i>	<i><b>Date</b></i>	<i><b>Quantity</b></i>	<i><b>Manifest #</b></i>	<i><b>Treatment</b></i>	<i><b>Disposal Facility</b></i>
Transformers, Drained (7 units)	12/16/10	12 Tons	0121610	Decontamination and Recycling	G&S Technologies 1800 Harrison Ave. Kearny, NJ 07032
RQ, UN4332 Polychlorinated Biphenyls, Solid Mixture, 9, II	01/20/11	3,180 Kg	007676808JJK	Landfill	CWM Chemical Services, LLC 1550 Balmer Rd, Model City, NY 14107
RQ, UN2315, Polychlorinated Biphenyls, Liquid, 9, II (Oil w/PCBs 50-499ppm)	01/20/11	189 Kg	007676811JJK	Dechlorination	Clean Harbors PPM, LLC 2474 Highway 169, Coffeyville, KS 67337
Non DOT, Non RCRA Regulated Material (Oil w/PCB's <50ppm)	01/20/11	1,864 Kg	007676811JJK	Dechlorination	Clean Harbors PPM, LLC 1672 E. Highland Rd, Twinsburg, OH 44087
Non DOT, Non RCRA Regulated Material (Exempt Light Ballasts)	01/20/11	880 Kg	007676811JJK	Landfill	Clean Harbors Grassy Mountain, LLC Clive, UT 84083
					Clean Harbors Deer

RQ, UN2315, Polychlorinated Biphenyls, Liquid, 9, II (PCB Capacitors)	01/20/11	4,335 kg	007676811JJK	Incineration	Park, LLC 2027 Independence Parkway South, La Porte, TX 77571
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50- 499ppm)	1/26/11	15,981 kg	007676805JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50- 499ppm)	1/27/11	14,909 kg	007676802JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50- 499ppm)	1/28/11	14,778 kg	007676803JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50- 499ppm)	1/28/11	15,254 kg	007676804JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated)	2/1/11	12,764 kg	007676817JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive

concrete and debris 50-499ppm)					Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50-499ppm)	2/1/11	14,318 kg	007676818JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50-499ppm)	2/2/11	19,132 kg	007676819JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50-499ppm)	2/3/11	15,772 kg	007676820JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111
RQ, UN3432, Polychlorinated Biphenyls, Solid, 9, II (PCB contaminated concrete and debris 50-499ppm)	2/3/11	17,290 kg	007676821JJK	Landfill	Wayne Disposal Inc. 49350 North I-94 Service Drive Belleville, MI 48111

**Refer to PolRep #17 for a summary of asbestos abatement completed.**

#### **Recycling**

Scrap Metal: 171.58 tons

## **2.2 Planning Section**

### **2.2.1 Anticipated Activities**

### 2.2.1.1 Planned Response Activities

An Action Memorandum was approved on July 16, 2010 detailing the need and objective of this removal action. Removal activities described in the Action memorandum include the following:

- Characterization and disposal of drums and chemicals located inside Building 6;
- Remove and dispose of the electrical transformers and capacitors from Building 15;
- Containerize and properly dispose of the PCB-contaminated debris from the floor of Building 15;
- Demolish Building 15, segregate and dispose of PCB contaminated material as appropriate;
- Repair/replace existing chain link fence;
- Evaluate Buildings 7, 13, and 17 to determine if any bulk ACM can be safely removed prior to demolition;
- Remove and dispose of ACM from existing dilapidated structures and segregated from the debris;
- Demolish remaining portions of Buildings 5, 7, 13, and 17 that cannot be decontaminated safely;
- Demolish partially collapsed Building 9 to provide additional space to stage asbestos contaminated debris accumulated and provide access to the partially collapsed former firing range, which may contain residual lead and require off-site disposal;
- Segregate and decontaminate scrap metal for recycling;
- Off-site disposal of asbestos-contaminated debris.

### 2.2.1.2 Next Steps

ERRS contractor, Kemron, will mobilize a full field crew to the Site on September 6 to resume work at the Site on September 7, 2011. Asbestos contaminated demolition debris will be placed into double lined roll-off containers and transported to the Ava Landfill which is operated by the Oneida-Herkimer Solid Waste Authority.

### 2.2.2 Issues

None.

## 2.3 Logistics Section

Not Applicable

## 2.4 Finance Section

### 2.4.1 Narrative

Additional funding in the amount of \$1,730,000 approved in an Action Memorandum dated August 8, 2011 by the Regional Administrator was added the project ceiling to complete disposal of the asbestos contaminated debris. The Action Memorandum also provided additional funding in the amount of \$90,000 for continued Removal Support Team support at the Site.

### Estimated Costs \*

	Budgeted	Total To Date	Remaining	% Remaining
<b>Extramural Costs</b>				
ERRS - Cleanup Contractor	\$3,140,000.00	\$852,635.96	\$2,287,364.04	72.85%
TAT/START	\$320,000.00	\$185,774.64	\$134,225.36	41.95%
<b>Intramural Costs</b>				
USEPA - Direct	\$135,000.00	\$65,000.00	\$70,000.00	51.85%

<b>Total Site Costs</b>	\$3,595,000.00	\$1,103,410.60	\$2,491,589.40	69.31%
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\* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

## **2.5 Safety Officer**

None

## **2.6 Liaison Officer**

Not Applicable

## **2.7 Information Officer**

### **2.7.1 Public Information Officer**

Not Applicable

### **2.7.2 Community Involvement Coordinator**

Community Involvement Coordinator, Cecilia Echols, has been assigned to the Site and has created fact sheet, which is available in the documents section at [www.epaosc.org/charlestownmall](http://www.epaosc.org/charlestownmall)

## **3. Participating Entities**

### **3.1 Unified Command**

Not Applicable

### **3.2 Cooperating and Assisting Agencies**

New York State Department of Environmental Conservation  
New York Sate Department of Labor

## **4. Personnel On Site**

1 - EPA OSC  
4 - ERRS (KEMRON)

All personell demobilized on September 1, 2011.

## **5. Definition of Terms**

ACM: Asbestos Containing Material  
ECCS: Environmental Contracting and Construction Services  
ERRS: Emergency Rapid Response Service contract (KEMRON Environmental Services, Inc.)  
PACM: Presumed Asbestos Containing Material  
PCBs: Polychlorinated biphenyls  
PPM: parts per million  
OSC: On-Scene Coordinator (US EPA)



RST: Removal Support Team contract (Weston Solutions, Inc.)  
TCL: Target Compound List  
TSCA: Toxic Substance Control Act

## 6. Additional sources of information

### 6.1 Internet location of additional information/reports

- [www.epaosc.org/charlestownmall](http://www.epaosc.org/charlestownmall)
- <http://www.osha.gov/SLTC/asbestos/>
- <http://www.epa.gov/asbestos/>

### 6.2 Reporting Schedule

PolReps will be issued on a weekly basis.

## 7. Situational Reference Materials

Clicking the link below will launch Google™ Earth (if installed on your computer)

<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Site.kmz>

**Note:** 40 MB download, a high speed internet connection is recommended.

A line drawing depicting building layout of the Site and associated building numbers

<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Layout.pdf>